

80



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,327	01/09/2001	Achim Vowe	GR 98 P 2054 US	5500
24131	7590	08/04/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CASIANO, ANGEL L	
			ART UNIT	PAPER NUMBER
			2182	
DATE MAILED: 08/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,327

Applicant(s)

VOWE, ACHIM

Examiner

Angel L. Casiano

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The present Office action is in response to Amendment dated 20 May 2005.

Claims 1-23 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 May 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 9-10, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson [US 5,600,782] in view of Glenn et al. [US 5,726,541].

Regarding claim 1, Thomson teaches a controller area network (CAN) module (see Figs. 3-4) having storage elements (see "registers", col. 5, lines 22-59), which include data. In

Art Unit: 2182

addition, Thomson explicitly teaches representing different states of the CAN module (see “plurality of states the CAN interface is operating”, col. 12, lines 1-2). However, the reference does not explicitly teach storage elements storing data representing different states of the CAN module, as claimed. Regarding this limitation, Glenn et al. teaches a modular control system (see Abstract), where storage elements store data representative of the states of the module (See col. 10, lines 30-35). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to represent dynamic network variables stored in RAM or EEPROM, as taught by Glenn et al. (see col. 10, lines 48-50).

As for claim 2, Thomson teaches CAN nodes (see Figure 4; col. 1, lines 37-40, 65-66; col. 2, lines 30-33). In addition, the prior art includes jointly utilized components that can be connected alternately to the CAN nodes (see “defective nodes are switched to a busoff state”, col. 2, lines 34-36).

As for claim 3, Thomson in view of Glenn et al. does not explicitly teach components whose capacity utilization is below a capacity utilization threshold, as claimed. Nonetheless, AAPA teaches that a bit-stream processor (BSP) (see Page 3, line 25) is subject to “little capacity utilization”. Regarding this limitation, Thomson teaches a bit-stream processor (see Figure 4, “37” and “MUX 35B”, “MUX 35A”). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Thomson teaches a component whose capacity utilization is below a determined utilization capacity.

Art Unit: 2182

As per claim 4, Thomson teaches a component as a “CAN *protocol* controller device” (see col. 4, lines 24-25).

As for claim 9, Thomson teaches reactions to requests being determined in advanced and stored in buffer until the request occurs (see col. 5, lines 46-55, 65-67; col. 6, lines 1-4).

Regarding claim 10, Thomson teaches a controller area network (CAN) module for a microcontroller (see col. 4, line 67; col. 5, line 1; Figure 3, “19”) including storage elements (see “registers”, col. 5, lines 22-59) having data. Thomson explicitly teaches representing different states of the CAN module (see “plurality of states the Can interface is operating”, col. 12, lines 1-2). However, the reference does not explicitly teach storage elements storing data representing different states of the CAN module, as claimed. Regarding this limitation, Glenn et al. teaches a modular control system (see Abstract), where storage elements store data representative of the states of the module (See col. 10, lines 30-35). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to represent dynamic network variables stored in RAM or EEPROM, as taught by Glenn et al. (see col. 10, lines 48-50).

Regarding claim 18, Thomson teaches CAN nodes (see Figure 4; col. 1, lines 37-40, 65-66; col. 2, lines 30-33). In addition, Thomson teaches a controller area network (CAN) module (see Figs. 3-4) having storage elements (see “registers”, col. 5, lines 22-59), which include data. In addition, Thomson explicitly teaches representing different states of the CAN

Art Unit: 2182

module (see “plurality of states the CAN interface is operating”, col. 12, lines 1-2). However, the reference does not explicitly teach storage elements storing data representing different states of the CAN module, as claimed. Regarding this limitation, Glenn et al. teaches a modular control system (see Abstract), where storage elements store data representative of the states of the module (See col. 10, lines 30-35). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures for the reasons stated above.

As for claim 19, Thomson teaches CAN nodes (see Figure 4; col. 1, lines 37-40, 65-66; col. 2, lines 30-33). In addition, the prior art includes jointly utilized components that can be connected alternately to the CAN nodes (see “defective nodes are switched to a busoff state”, col. 2, lines 34-36).

As for claim 20, Thomson in view of Glenn et al. does not explicitly teach components whose capacity utilization is below a capacity utilization threshold, as claimed. Nonetheless, AAPA teaches that a bit-stream processor (BSP) (see Page 3, line 25) is subject to “little capacity utilization”. Regarding this limitation, Thomson teaches a bit-stream processor (see Figure 4, “37” and “MUX 35B”, “MUX 35A”). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Thomson teaches a component whose capacity utilization is below a determined utilization capacity.

As for claim 21, Thomson teaches a component as a “CAN *protocol* controller device” (see col. 4, lines 24-25).

Art Unit: 2182

As for claim 22, Thomson teaches reactions to requests being determined in advanced and stored in buffer until the request occurs (see col. 5, lines 46-55, 65-67; col. 6, lines 1-4).

Regarding claim 23, Thomson teaches a controller area network (CAN) module for a microcontroller (see col. 4, line 67; col. 5, line 1; Figure 3, "19") including storage elements (see "registers", col. 5, lines 22-59) having data. Thomson explicitly teaches representing different states of the CAN module (see "plurality of states the Can interface is operating", col. 12, lines 1-2). However, the reference does not explicitly teach storage elements storing data representing different states of the CAN module, as claimed. Regarding this limitation, Glenn et al. teaches a modular control system (see Abstract), where storage elements store data representative of the states of the module (See col. 10, lines 30-35). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures for the reasons stated above.

Claim Objections

4. Claims 5-8 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

5. Claims 11-17 were allowed in previous Office action.

Response to Arguments

6. Claims 5-8 remain objected as depending upon a rejected claim (claim 2). Previous Objection to the Specification (Abstract) has been overcome.

7. Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection. However, Examiner points to Page 12 of 20 in the Remarks, where Applicant argues that in claims 1 and 10, the storage elements are “**reserved** for the specially assigned purpose of storing data representing different states of the CAN module”. Examiner respectfully submits that the claim language in 1 and 10 does not reflect that the storage elements are reserved for (exclusively) the purpose of representing CAN module states.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

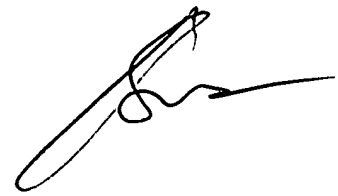
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc
01 August 2005



KIM HUYNH
PRIMARY EXAMINER
8/2/05